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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

<p>The Estate of Gertrude Melton,</p> <p>Plaintiff,</p> <p>v.</p> <p>Indian Health Services and Maniilaq Association, Maniilaq Health Center,</p> <p>Defendant.</p>	<p>Case No.</p> <p>Jury Trial Requested</p>
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COMPLAINT FOR DAMAGES FOR WRONGFUL DEATH
(Negligence)
AK Stat § 09.55.580

COMES NOW, Law Office of Gregory S. Parvin, attorney for the Estate of Gertrude Melton, deceased, for causes of action against defendants, individually, and herein alleges, based on information and belief:

PARTIES TO THIS COMPLAINT

1. The Plaintiff is The Estate of Gertrude Melton. The personal representative for The Estate of Gertrude Melton is Edith Swann who lives at 564 Friends Way, Kotzebue,

AK 99752. Her telephone number is 907-412-3311.

2. Defendant, Indian Health Services, under the Department of Health and Human Services' is represented by the Office of the General Counsel, General Law Division, located at 330 C Street, S.W., Switzer Building, Suite 2600, Washington DC 20201. The phone number is 202-691-2075.
3. Defendant, Maniilaq Association, Maniilaq Health Center, is located at PO Box 43, Kotzebue, AK 99752, and is a Non-Profit Corporation and incorporated under the laws of the State of Alaska and has its principal place of business in the State of Alaska.

JURISDICTION

4. Pursuant to 28 U.S.C. § 1332, this case may be heard in US District Court.
5. Gertrude Melton was an individual and citizen in the State of Alaska. The Estate of Gertrude Melton is filed in the State of Alaska.
6. Indian Health Services is under the Department of Health and Human Services' and represented by the Office of the General Counsel, General Law Division, located at 330 C Street S.W., Switzer Building, Suite 2600 Washington DC 20201. The phone number is 202-691-2075. Indian Health Services is an entity under a federal agency and subject to the laws of the District of Columbia but has its principal place of business in the State of Alaska.
7. Maniilaq Association, Maniilaq Health Center, located at PO Box 43, Kotzebue, AK 99752, is a Non-Profit Corporation and incorporated under the laws of the State of Alaska and has its principal place of business in the State of Alaska.

8. The amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

STATEMENT OF CLAIM

9. On January 25, 2017, Gertrude Melton arrived at Maniilaq Health Center in Kotzebue, Alaska with a facial fracture and basilar skull fracture sustained in a motor vehicle accident.
10. When she presented to the emergency department at the Maniilaq Heath Center, she was ambulatory and communicative.
11. On arrival, Ms. Melton experienced a significant delay in evaluation.
12. As the significant delay in evaluation for injuries continued, Ms. Melton started to decline; her blood oxygen level dropped to 19.
13. A CT scan was ordered and showed no signs of swelling.
14. On January 25, 2017, the named defendants and any agents acting under these defendants failed to perform acts that a person of ordinary prudence would have done under the same or similar circumstances.
15. Emergency room treatment providers failed at multiple attempts to intubate Ms. Melton as her condition was deteriorating.
16. Intubation for a patient presenting symptoms that include facial fractures is contraindicated, with a known risk of such intubation being injury and/or death.
17. Intubation for a patient presenting symptoms that include skull fractures is contraindicated, with a known risk of such intubation being injury and/or death.
18. The unreasonable, unjustified, delay in providing medical treatment services were a proximate cause of Ms. Melton's death.

19. The contraindicated and failed intubation was a direct cause of cardiac arrest through oxygen deprivation and a proximate cause of Ms. Melton's death.
20. On January 25, 2017 Maniilaq Health Center provided medical services to Gertrude Melton in the form of emergency room services.
21. Maniilaq Health Center provided medical treatment through its providers in the scope of their agency /employment at Maniilaq.
22. Maniilaq Health Center Medical treatment providers owed a duty to the Ms. Melton to perform emergency services within an acceptable standard medical care, within the medical community.
23. Maniilaq Health Center treatment providers breached the standard of care by failure to promptly evaluate and treat.
24. Maniilaq Health Center treatment providers breached the standard of care by attempting to and failing to intubate when they knew or should have known Ms. Melton presented with skull and facial fractures.
25. As a direct and proximate result of the breach of the applicable standards of medical care of by healthcare providers, Gertrude Melton suffered pain and her untimely death while at the Manillaq Health Center on January 25, 2017.
26. The harm and loss endured by the plaintiff was the direct proximate result of medical errors committed by the Maniilaq Health Center.

PRAYER FOR RELIEF

27. Wherefore, Plaintiff prays for relief against the Maniilaq Health Center and in Plaintiff's favor for monetary damages in an amount to be proved at trial and any other

relief this court believes to be reasonable, appropriate, and just.

CERTIFICATION AND CLOSING

28. Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information and belief that this complaint is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.
29. The complaint is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law.
30. The factual contentions have evidentiary support or will have evidentiary support after a reasonable opportunity for further investigation or discovery; and
31. This complaint otherwise complies with the requirements of Rule 11.

DEMAND FOR JURY TRIAL

32. Plaintiff hereby demands trial by jury.

LAW OFFICE OF GREGORY S. PARVIN

Date: _____

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